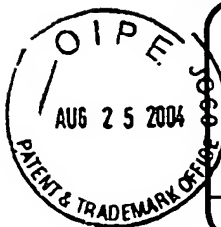


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PTO/SB/08A (10-96)
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 9

Complete if Known

Application Number	10/687,865
Filing Date	10/17/2003
First Named Inventor	E. Marlowe Goble et al.
Group Art Unit	3738
Examiner Name	Unknown
Attorney Docket Number	MED-1 CON CIP

U.S. PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
MC		6,579,319		Goble et al.	06-17-2003	
		6,540,785		Gill et al.	04-01-2003	
		6,540,747		Marino	04-01-2003	
		6,485,518		Cornwall et al.	11-26-2002	
		6,458,131		Ray	10-01-2002	
		6,451,019		Zucherman et al.	09-17-2002	
		6,419,703		Fallin et al.	07-16-2002	
		6,402,750		Atkinson et al.	06-11-2002	
		6,332,883		Zucherman et al.	12-25-2001	
		6,235,030		Zucherman et al.	05-22-2001	
		6,228,118		Gordon	05-08-2001	
		6,190,387		Zucherman et al.	02-20-2001	
		6,183,471		Zucherman et al.	02-06-2001	
		6,156,067		Bryan et al.	12-05-2000	
		6,146,421		Gordon et al.	11-14-2000	
		6,093,205		McLeod et al.	07-25-2000	
		6,068,630		Zucherman et al.	05-30-2000	
		5,951,555		Rehak et al.	09-14-1999	
		5,916,267		Tienboon	06-29-1999	
✓		5,888,223		Bray, Jr.	03-30-1999	

FOREIGN PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
MC		WO	00/62684	A1	NUVASIVE, INC.	10/26/2000		
				C2				
MC		WO	01/97721	A2	KYPHON INC.	12/27/2001		
		WO	01/97721	A3	KYPHON INC.	12/27/2001		
		WO	02/89712	A1	David Gerber et al.	11/14/2002		
		WO	03/20143	A2	SYNTHES	03/13/2003		
		WO	95/05783	A1	FAIRANT	03/02/1995		
		WO	96/00049	A1	FAIRANT	01/04/1996		
		WO	98/56301	A1	KYPHON, INC.	12/17/1998		
✓		WO	99/05995	A1	GORDON, RAY, ROBERTS & THOMAS ROBERTS	02/11/1999		

Examiner Signature

[Handwritten Signature]

Date

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8/8/05

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² Unique citation designation number. ³ See attached Kinds of U.S. Patent Documents. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
Sheet	2	of	9	Application Number	10/687,865
				Filing Date	10/17/2003
				First Named Inventor	E. Marlowe Goble et al.
				Group Art Unit	3738
				Examiner Name	Unknown
				Attorney Docket Number	MED-1 CON CIP

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
JW		5,755,796		Ibo et al.	05-26-1998	
		5,728,097		Mathews	03-17-1998	
		5,725,582		Bevan et al.	03-10-1998	
		5,713,900		Benzel et al.	02-03-1998	
		5,702,453		Rabbe et al.	12-30-1997	
		5,702,392		Wu et al.	12-30-1997	
		5,645,599		Samani	07-08-1997	
		5,609,634		Voydeville	03-11-1997	
		5,545,166		Howland	08-13-1996	
		5,540,688		Navas	07-30-1996	
		5,534,031		Matsuzaki et al.	07-09-1996	
		5,496,318		Howland et al.	03-05-1996	
		5,458,641		Ramirez Jimenez	10-17-1995	
		5,456,722		McLeod et al.	10-10-1995	
		5,375,823		Navas	12-27-1994	
		5,360,430		Lin	11-01-1994	
		5,318,567		Vichard	06-07-1994	
		5,304,178		Stahurski	04-18-1994	
		5,236,460		Barber	08-17-1993	
✓		5,180,393		Commarmond	01-19-1993	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
JW JW		WO	99/60957	C2	NUVASIVE, INC.	12-02-1999		
		WO	99/65412	A1	PIONEER LABS, INC.	12-23-1999	1	

Examiner Signature		Date Considered	8/8/05
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete If Known	
				Application Number	10/687,865
				Filing Date	10/17/2003
				First Named Inventor	E. Marlowe Goble et al.
				Group Art Unit	3738
				Examiner Name	Unknown
Sheet	3	of	9	Attorney Docket Number	MED-1 CON CIP

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
MC		5,171,279		Mathews	12-15-1992	
		5,129,900		Asher et al.	07-14-1992	
		5,092,893		Smith	03-03-1992	
		5,015,255		Kuslich	05-14-1991	
		4,955,908		Frey et al.	09-11-1990	
		4,892,545		Day et al.	01-09-1990	
		4,743,260		Burton	05-10-1988	
		4,653,481		Howland et al.	03-31-1987	
		4,599,086		Doty	07-08-1986	
		4,554,914		Kapp et al.	11-26-1985	
		4,479,491		Martin	10-30-1984	
		4,369,769		Edwards	01-25-1983	
		4,003,376		McKay et al.	01-18-1977	
		3,648,691		Lumb et al.	03-14-1972	
		3,426,364		Lumb	02-11-1969	
		2,677,369		Knowles	05-04-1954	
		2003/0040797	A1	Fallin et al.	02-27-2003	
		2003/0028250	A1	Reiley et al.	02-06-2003	
		2003/0004572	A1	Goble et al.	01-02-2003	
		2002/0151895	A1	Soboleski et al.	10-17-2002	

[illegible]

Examiner Signature	<i>Timothy J. Hynes</i>	Date Considered	8/8/05
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete If Known	
				Application Number	10/687,865
				Filing Date	10/17/2003
				First Named Inventor	E. Marlowe Goble et al.
				Group Art Unit	3738
				Examiner Name	Unknown
				Attorney Docket Number	MED-1 CON CIP
Sheet	4	of	9		

[illegible][illegible]

Examiner Signature	<i>Th. Chatterjee</i>	Date Considered	8/8/05
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Substitute for form 1449/APTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
Sheet	5	of	9	Application Number	10/687,865
				Filing Date	10/17/2003
				First Named Inventor	B. Marlowe Goble et al.
				Group Art Unit	3738
				Examiner Name	Unknown
				Attorney Docket Number	MED-1 CON CIP

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
MC		3,867,728		Stubstad et al.	02-25-1975	
		3,875,595		Froning	04-08-1975	
		4,349,921		Kuntz	09-21-1982	
		4,759,769		Hedman et al.	07-26-1988	
		4,772,287		Ray et al.	09-20-1988	
		4,904,260		Ray et al.	02-27-1990	
		4,911,718		Lee et al.	03-27-1990	
		5,047,055		Bao et al.	09-10-1991	
		5,071,437		Steffee	12-10-1991	
		5,147,404		Downey	09-15-1992	
		5,171,280		Baugartner	12-15-1992	
		5,258,031		Salib et la.	11-02-1993	
		5,306,308		Gross et al.	04-26-1994	
		5,306,309		Wagner et al.	04-26-1994	
		5,370,697		Baumgartner	12-06-1994	
✓		5,437,672		Alleyne	08-01-1995	
		4,458,642		Beer et al.	10-17-1995	
		5,458,643		Oka et al.	10-17-1995	
		5,514,180		Heggeness et al.	05-07-1996	
		5,527,312		Ray	06-18-1996	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Ts
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
MC ✓	*	JP	10-179622	A2		07-07-1998		
	*	WO	00/38582	A1	NUVASIVE, INC.	07-06-2000		
	*	WO	98/48717	A1	TAYLOR, Jean et al.	11-05-1998		
	*	WO	99/23963	A1	DISMO	05-20-1999		
	*	WO	01/30248	A1	Reiley	05-03-2001		

Examiner Signature		Date Considered	8/8/05
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Application Number		10/687,865			
Filing Date		10/17/2003			
First Named Inventor		E. Marlowe Goble et al.			
Group Art Unit		3738			
Examiner Name		Unknown			
Attorney Docket Number		MED-1 CON CIP			
Sheet	6	of	9		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
JH		5,534,028		Bao et al.	07-09-1996	
		5,534,030		Navarro et al.	07-09-1996	
		5,545,229		Parsons et al.	08-13-1996	
		5,556,431		Buttner-Janz	09-17-1996	
		5,571,189		Kuslich	11-05-1996	
		5,572,191		Lundberg	11-05-1996	
		5,645,597		Krapiva	07-08-1997	
		5,653,762		Pisharodi	08-05-1997	
		5,674,295		Ray et al.	10-07-1997	
		5,674,296		Bryan et al.	10-07-1997	
		5,676,701		Yuan et al.	10-14-1997	
		5,683,464		Wagner et al.	11-04-1997	
		5,702,450		Bisserie	12-30-1997	
		5,716,415		Steffee	02-10-1998	
		5,824,093		Ray et al.	10-20-1998	
✓		5,824,094		Serhan et al.	10-20-1998	
		5,865,846		Bryan et al.	02-02-1999	
		5,868,745		Alleyne	02-09-1999	
		5,893,889		Harrington	04-13-1999	
		6,001,130		Bryan et al.	12-14-1999	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Ts
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

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Application Number		10/687,865			
Filing Date		10/17/2003			
First Named Inventor		S. Marlowe Goble et al.			
Group Art Unit		3738			
Examiner Name		Unknown			
Attorney Docket Number		MED-1 CON CIP			
Sheet	7	of	9		

U.S. PATENT DOCUMENTS						
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		Number	Kind Code ² (if known)			
JHC		6,014,588		Fitz	01-11-2000	
		6,019,792		Cauthen	02-01-2000	
		6,039,763		Shelokov	03-21-2000	
		6,063,121		Xavier et al.	05-16-2000	
		6,066,325		Wallace et al.	05-23-2000	
		6,080,157		Cathro et al.	06-27-2000	
		6,113,637		Gill et al.	09-05-2000	
		6,132,464		Martin	10-17-2000	
		6,132,465		Ray et al.	10-17-2000	
		Re. 36,758		Fitz	06-27-2000	
		5,401,269		Buttner-Janz et al.	03-28-1995	
✓		5,192,326		Bao et al.	03-09-1993	
		4,863,477		Monson	09-05-1989	

FOREIGN PATENT DOCUMENTS								
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		Office ³	Number ⁴	Kind Code ⁵ (If known)				

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Application Number		10/687,865			
Filing Date		10/17/2003			
First Named Inventor		E. Marlowe Goble et al.			
Group Art Unit		3738			
Examiner Name		Unknown			
Attorney Docket Number		MED-1 CON CIP			
Sheet	8	of	9		

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JK	*	GOH JC, ET AL., "Influence of PLIF cage size on lumbar spine stability", Spine, 2000 Jan 25:1, Medline abstract - one page.	
	*	HEAD WC, "Wagner surface replacement arthroplasty of the hip. Analysis of fourteen failures in forty-one hips", J Bone Joint Surg. [AM], 1981 Mar 63:3, Medline abstract - one page.	
	*	KHOO LT, ET AL., "A Biomechanical Analysis of the Effects of Lumbar Fusion on the Adjacent Vertebral Motion Segment", Proceedings of the 2000 Annual Meeting of the North American Spine Society, New Orleans.	
	*	KOTANI Y, ET AL., "The effects of spinal fixation and destabilization on the biomechanical and histologic properties of spinal ligaments. An in vivo study.", Spine, 1998 Mar 15 23:6, Medline abstract - one page.	
	*	LEMAIRE JP, ET AL., "Intervertebral Disc Prosthesis: Results and Prospects for the year 2000", Clinical Orthopaedics and Related Research, Number 337, PP. 64-76.	
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
Application Number		10/687,865			
Filing Date		10/17/2003			
First Named Inventor		E. Marlowe Goble et al.			
Group Art Unit		3738			
Examiner Name		Unknown			
Attorney Docket Number		MED-1 CON CIP			
Sheet	9	of	9		

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NA		NAGATA H, ET AL., "The effects of immobilization of long segments of the spine on the adjacent and distal facet force	
		and lumbrosacral motion", Spine, 1993, Dec. 18:16, pp. 2471-2479	
		NIBU K, ET AL., "Multidirectional stabilizing potential of BAK interbody spinal fusion system for anterior surgery [see	
		comments]", J Spinal Discord, 1997 Aug 10:4, Medline abstract - one page.	
		TSANTRIZOS A, ET AL., "Segmental stability and compressive strength of posterior lumbar interbody fusion implants",	
		Spine, 2000 Aug 1 25:15, Medline abstract - one page.	
✓		REILEY, M.A., U.S. Patent Application, Publication No. US2002/0123806A1, September 5, 2002.	

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